

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,358	03/29/2001	Kevin Hunter	150-094RP	3786

7590 07/12/2004

MR. WILLIAM FRITZ
NEOMEDIA TECHNOLOGIES, INC.
2201 SECOND STREET
SUITE 600
FORT MYERS, FL 33901

EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,358

Applicant(s)

HUNTER ET AL.

Examiner

Dohm Chankong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski, U.S. Patent No. 6,625,581 in view of Simmon et al ("Simmon"), U.S. Patent No. 5,867,688.

4. As to claim 1, Perkowski teaches a method of providing a primary content file to a client device from a wireless device, said method comprising the steps of:

entering a linkage code into a wireless transmitting device, wherein the linkage code comprises a routing identification code and an item identification code (column 4, lines 47-55, column 5, lines 34-54 and column 24, lines 28-47 and column 35, lines 1-4);

transmitting the linkage code in a data stream to a list server therein wherein said data stream includes a subscriber identification number (column 5, lines 34-42 and column 24, lines 38-47 where the manufacturer's identification number is equivalent to the subscriber identification number);

Art Unit: 2154

logging in to the list server from a client device, wherein the client device provides the subscriber identification number of the linkage code stored on the list server wherein said data stream includes a subscriber identification number associated with the wireless device (column 7, lines 18-40, Figure 5A; column 35, lines 1-4 where C_a represents the identification of the subscriber); and

retrieving the linkage code stored on the list server (column 7, lines 18-40).

Perkowski does not disclose that the transmitting the linkage code to the list server for storage.

5. Simmons teaches a method of providing a primary content file to a client device from a wireless device wherein a linkage code is entered into a wireless device and sent to a server for storage (column 4, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made implement Simmon's method of data entry using a wireless device to provide a quicker and more efficient data acquisition and retrieval method for users to acquire relevant data associated with the linkage code from the server.

6. As to claim 2, Perkowski teaches a method wherein a user provides the client device with the subscriber identification number (column 7, lines 23-34).

7. As to claim 3, Perkowski teaches a method wherein the client device is one of a group of devices comprising a personal computer, a web-based television, and a video console (column 38, lines 50-54).

Art Unit: 2154

8. As to claim 4, Perkowski teaches a method further comprising the step of utilizing the linkage code to enable the client device to retrieve a primary content file associated with the item identification code from a content server associated with the routing identification code (Figure 4A1 where the IP/SN is the linkage code, the routing identification code is the URL and the primary content file is the website located at the URL).

9. As to claim 5, Perkowski teaches a system for providing a primary content file to a client device from a wireless device over a computer network, comprising:

- a wireless device interconnected to the computer network (column 35, lines 1-4);

- a list server interconnected to the computer network, the list server comprising a storage means (column 6, lines 45-54);

- a client device interconnected to the computer network (column 14, lines 51-63);

- wherein the wireless device comprises:

- means for inputting a linkage code comprising a routing identification code and an item identification code (column 35, lines 6-10 and column 40, line 55 to column 41, line 4);

- means for transmitting the linkage code in a data stream to the list server wherein said data stream includes a subscriber identification number associated with the wireless device (Figure 5A, column 35, lines 1-4 and C_a represents the identification of the subscriber);

- the client device comprises:

means for logging into the list server and providing the subscriber identification number of the linkage code stored on the list server (column 7, lines 18-40); and

means for retrieving the linkage code from the list server (column 7, lines 18-57).

Perkowski does not teach a wireless device that sends the linkage code in a data stream for storage in the list server.

10. Simmons teaches a method of providing a primary content file to a client device from a wireless device wherein a linkage code is entered into a wireless device and sent to a server for storage (column 4, lines 9-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made implement Simmon's method of data entry using a wireless device to provide a quicker and more efficient data acquisition and retrieval method for users to acquire relevant data associated with the linkage code from the server.

11. As to claim 6, Perkowski teaches a system wherein the client device further comprises means for a user provide the client device with the subscriber identification number (column 7, lines 23-34).

12. As to claim 7, Perkowski teaches a system wherein the client device is one of a group of devices comprising a personal computer, a web-based television, and a video console (column 38, lines 50-54).


Art Unit: 2154

13. As to claim 8, Perkowski teaches a system further comprising the step of utilizing the linkage code to enable the client device to retrieve a primary content file associated with the item identification code from a content server associated with the routing identification code (Figure 4A1 where the IP/SN is the linkage code, the routing identification code is the URL and the primary content file is the website located at the URL).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
PRIMARY EXAMINER

DC